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**FISCAL IMPACT STATEMENT**

**LS 7597**

**BILL NUMBER:** HB 1733

**NOTE PREPARED:** Feb 27, 2003

**BILL AMENDED:** Feb 27, 2003

**SUBJECT:** Cell phone use in schools.

**FIRST AUTHOR:** Rep. Smith V

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** (Amended) The bill provides that a student is subject to suspension or other disciplinary action for using an electronic paging device or a handheld portable telephone on school grounds during school hours that interferes with instruction. The bill authorizes a school to seize and retain an electronic paging device or a handheld portable telephone: (1) pending a determination of whether the device or telephone was used in violation of school policy; and (2) during the term of the student's suspension, if the student is suspended for using the device or telephone in violation of school policy.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) *Summary:* Under the bill, a school corporation would have the option to establish a school policy setting forth the conditions where a student would be permitted to possess and use electronic pagers and/or cell phones on school grounds. A student's refusal to surrender the phone or pager may constitute grounds for suspension of the student or other disciplinary action. Governing bodies could incorporate the implementation of a policy within a normally scheduled business meeting. If a school corporation governing body did require additional meetings, the cost would include per diem for members in attendance. The expenditures required by this provision would depend on local action. Under current law, members of a governing body may receive a salary not exceeding \$2,000 per year plus per diem. The per diem may not exceed the amount set for Indianapolis Public School Board of School Commissioners. Current maximum per diem is \$112 per regular meeting and \$62 per committee or special meeting.

*Background:* For the 2001-2002 school year, Indiana's average daily membership (ADM) consisted of 959,611 students, and public school enrollment totaled 995,507. Approximately 1,900 public schools were in operation within Indiana's 293 school corporations during that time.

The following table illustrates the number of suspensions and expulsions from school years 1997 through 2001. (Data for 2002 are not yet complete).

<b>Suspensions and Expulsions for School Years 1997-2001</b>		
YEAR	SUSPENSIONS	EXPULSIONS
2001	289,041	6,781
2000	293,934	7,313
1999	305,767	9,263
1998	302,593	10,229
1997	306,034	9,340

*Suspension Meeting:* Under the bill, a student subject to potential suspension for violation of a cell phone /pager policy would be afforded a meeting where he/she would be required to be presented with written/oral charges, any evidence to the charges, and allow the student the opportunity to explain their conduct.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** School corporations.

**Information Sources:** DOE SAS and ORACLE databases; Dr. Frank Bush, Indiana School Boards Association, (317) 639-0330.

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